

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

v.

**DAVID ZAVALA (01),  
[DOB: 01/13/1991]**

**and**

**NOEL ZAVALA (02),  
[DOB: 02/19/1994]**

**Defendants.**

**No.** \_\_\_\_\_

**COUNTS ONE, TWO, AND FOUR:**

) Felon in Possession of a Firearm (Ct. 1)

) Drug User in Possession of a Firearm (Ct. 2)

) Felon in Possession of a Firearm and

) Ammunition (Ct. 4)

) 18 U.S.C. §§ 922(g)(1) and (g)(3) and 924(a)(2)

) NMT: 10 Years' Imprisonment

) NMT: \$250,000 Fine

) NMT: 3 Years Supervised Release

) Class C Felony

**COUNT THREE:**

) Possession of an Unregistered Firearm

) 26 U.S.C. §§ 5845(a), 5861(d), and 5871

) NMT: 10 Years' Imprisonment

) NMT: \$250,000 Fine

) NMT: 3 Years Supervised Release

) Class C Felony

) \$100 Mandatory Special Assessment for

) each Count.

| <b>Defendant</b> | <b>Name</b>  | <b>Count</b>  |
|------------------|--------------|---------------|
| 1                | David Zavala | 1, 2, 3 and 4 |
| 2                | Noel Zavala  | 2 and 3       |

**INDICTMENT**

**THE GRAND JURY CHARGES THAT:**

**COUNT ONE**

On or about September 11, 2012, in the Western District of Missouri, the defendant,  
DAVID ZAVALA, having been convicted of a crime punishable by imprisonment for a term  
exceeding one year, did knowingly possess, in and affecting commerce, a firearm, that is, a Savage

Arms, Model 62, .22 caliber, short-barreled rifle, Serial Number L213671, which had been transported in interstate commerce, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

### **COUNT TWO**

On or about September 11, 2012, in the Western District of Missouri, the defendants, DAVID ZAVALA and NOEL ZAVALA, who were unlawful users of, or addicted to marijuana, a controlled substance as defined in Title 21, United States Code, Section 802, did knowingly possess, in and affecting commerce, a firearm, that is, a Savage Arms, Model 62, .22 caliber, short-barreled rifle, Serial Number L213671, which had been transported in interstate commerce, contrary to the provisions of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

### **COUNT THREE**

On or about September 11, 2012, in the Western District of Missouri, the defendants, DAVID ZAVALA and NOEL ZAVALA, did knowingly receive and possess a firearm, to wit, a Savage Arms, Model 62, .22 caliber, short-barreled rifle, Serial Number L213671, with an overall length of less than 26 inches and a barrel length of less than 16 inches, which was not registered to either of them in the National Firearms Registration and Transfer Record, contrary to the provisions of Title 26, United States Code, Sections 5845(a), 5861(d), and 5871.

### **COUNT FOUR**

On or about August 18, 2012, in the Western District of Missouri, the defendant, DAVID ZAVALA, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm and ammunition, that is, a

Makarov, 9mm pistol, Serial Number 241310, fifteen live rounds of Winchester 9mm ammunition, and three live rounds of Federal .380-caliber ammunition, all of which had been transported in interstate commerce, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL:

/s/ Albert J. Byrd  
FOREPERSON OF THE GRAND JURY

/s/ Rudolph R. Rhodes, IV  
Rudolph R. Rhodes, IV  
Assistant United States Attorney

Dated: 9/25/12  
Kansas City, Missouri